

Remarks

In response to the election/restriction requirement contained in the February 13, 2004 Office Action, Applicant provisionally elects invention I. As explained below, this election is with traverse, as applicants seek reconsideration and withdrawal of the restriction requirement.

Applicant respectfully requests that the Examiner reconsider the statement that groups I and II are not disclosed as capable of use together. Applicant respectfully submits that claims 1-14, 16-18, 22-23, 37-38 of group I are disclosed as capable of use together with claim 15 of group II, as both SEQ ID 1 and a putative antisense RNA derived from SEQ ID 1 could potentially be used to bring about the readthrough of stop codons if used together on a gene other than SEQ ID 2.

Applicant also respectfully points out that the polynucleotides in invention I are required to produce the polypeptide sequences described in invention III, from which the peptide recognition sequences of the antibodies in invention IV were derived, as they are polyclonal antibodies. In addition, a polynucleotide sequence from invention I would be required to produce an antisense molecule for invention II. Applicant therefore believes that inventions I, II, III and IV are disclosed as capable of use together.

The Restriction Requirement had stated that "in addition the polynucleotides of group 1 [are] not required for the invention of group VI, since invention of group VI requires the detection of protein using antibodies which have different structure and function as compared to nucleic acid molecules. Thus these inventions are distinct and are of separate uses."

Applicant respectfully submits that although the antibodies have a different structure and function as compared to nucleic acid molecules, the antibody recognition sequence required for


invention VI depends on the production of proteins derived from the polynucleotides described in invention I. The original claims were worded with the intent that the polynucleotides of group I would necessarily be required for the invention of group VI. Although all antibodies have a different structure and function from nucleic acid molecules, without the relevant nucleic acid to give rise to the precise protein, the protein will not be available for the antibody to recognize it. Thus, applicant respectfully submits that the polynucleotides of group I are required for the invention of group VI and while the inventions could be distinct and separate, invention VI requires inventions I and IV.

For the foregoing reasons, applicant respectfully requests that the restriction requirement be withdrawn.

Respectfully submitted,

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